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FIDELITY NATIONAL TITLE INSURANCE
7 COMPANY, et al.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FIDELITY NATIONAL TITLE
INSURANCE COMPANY, et al.,

Plaintiffs,

vs.

JAMES C. CASTLE aka J.
CHRISTOPHER CASTLE et al., and
Does 1 through 100, inclusive,

Defendants.

No. C-11-00896 YGR

**DECLARATION OF STEPHEN C. SETO
IN SUPPORT OF PLAINTIFF CHICAGO
TITLE INSURANCE COMPANY'S
MOTION TO COMPEL DEFENDANT
JAMES CASTLE TO PROVIDE
FURTHER RESPONSES TO REQUEST
FOR PRODUCTION OF DOCUMENTS
AND REQUEST FOR SANCTIONS
AGAINST CASTLE AND ANN DRAPER**

[Notice of and Motion to Compel Castle to
Provide Further Responses to Request for
Production of Documents and Request for
Sanctions; Declaration of Kimberly A. Millington;
and [Proposed] Order Filed Concurrently
Herewith]

Date: June 17, 2014
Time: 2:00 p.m.
Courtroom: 1
Judge: Hon. Yvonne Gonzalez Rogers

No Trial Date Set

And Related Cross-Actions

I, STEPHEN C. SETO, declare as follows:

1 1. I am an attorney in good standing licensed to practice law before all courts in the
2 State of California and an attorney with Bergquist Wood McIntosh Seto, LLP, attorneys for
3 Plaintiffs in this matter.

4 2. Except where based on information and belief, I have personal knowledge of the
5 facts stated in this declaration and could and would testify to them if called upon to do so.

6 3. I submit this declaration in support of Plaintiff's Motion to Compel Defendant
7 James C. Castle ("CASTLE") to Provide Further Responses to Request for Production of
8 Documents ("RFP") and Request for Sanctions against CASTLE and his Counsel, Ann Draper.

9 4. On November 20, 2013, I requested that Ms. Draper meet and confer with me
10 regarding CASTLE's Responses to the RFP. After several unsuccessful attempts to meet and
11 confer with her, we met and conferred at the Courthouse on December 2, 2013.

12 5. On December 16, 2013, I sent Ms. Draper a proposed joint letter brief to the Court
13 setting forth the discovery issue in compliance with this Court's Standing Order 8(d). Ms. Draper
14 promised to provide comments on December 19, 23, 27, and 30, 2013 and also on January 2,
15 2014, but did not do so until the evening of January 6, 2014. We were unable to agree on the
16 wording of the joint letter brief.

17 6. On December 17, 2013, I requested that Ms. Draper meet and confer on several sets
18 of discovery but Ms. Draper was unable to meet in person or on the telephone at any time from
19 mid-December to January 8, 2014. On January 8, 2014, she agreed to meet and confer but
20 claimed that before meeting and conferring again on the substantive issues, the parties first had to
21 meet and confer on whether or not Plaintiff had waited too long to try to compel further responses.

22 7. At the status conference on January 13, 2014, this Court ordered Ms. Draper to
23 make a good faith effort to produce responsive documents and ordered her to do so by February
24 14, 2014 if her trial did not proceed and no later than March 14, 2014 if her trial did proceed. Ms.
25 Draper did not comply with either order.

26 8. After the status conference on March 24, 2014, Ms. Draper indicated to me and
27 Ms. Millington outside the Courthouse that some of the documents she had sent in response to the
28 RFP were not CASTLE's documents but documents that she just had "lying around."

9. I spent a total of 17.5 hours preparing the RFP to CASTLE, reviewing the Response to the RFP, attempting to meet and confer and meeting and conferring with Ms. Draper, and reviewing documents prepared by Ms. Millington related to this discovery dispute. I charge \$315.00 to my client which is reasonable in light of my 20 years of practice. Thus, I spent a total of \$5,512.50 in fees so far related to this discovery dispute.

This declaration is executed at Walnut Creek, California this 9th day of May 2014. I declare under the penalty of the laws of the United States that the above is true and correct.

/s/ Stephen C. Seto
STEPHEN C. SETO

BERGQUIST WOOD
MCINTOSH SETO LLP